



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,013	09/30/2003	Kenji Urushihara	36155	4843

116 7590 10/11/2006

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,013

Applicant(s)

URUSHIHARA ET AL.

Examiner

TAN X. DINH

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1) Receipt is acknowledged of papers submitted under 35 U.S.C.119(a)-(d), which papers have been placed of record in the file.

2) The drawings are objected to under 37 CFR 1.83(a) because they fail to show elements "362a", "362b" and "judging means 304" (specification, pages 3-5) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended.". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must

be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

DISC DRIVE DEVICE CAPABLE OF DETECTING LOCATIONS OF UNPROTECTED
OPTICAL DISC.

4) Claims 1-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "one optical disc" (claims 1,52 and 53) is unclear and cannot be understood. is this indicated to "whole optical disc" ?

The phrase " said driving motor 95 " (claim 7) lacks clear antecedent basis. No "driving motor 95" has been previously recited in the claim and therefore the limitation cannot be understood.

Claim(s) 2-51 incorporate the indefiniteness of claim(s) 1 by virtue of their dependency thereon.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claims 1, 5, 7, 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by APPLICANT's PRIOR ARTS (FIGURES 45-48).

The APPLICANT's PRIOR ARTS (FIGURES 45-48) discloses an optical disc driving apparatus for driving an optical disc while reading out information as claimed in claim 1, comprising:

a housing formed with an loading slot having optical disc passed therethrough (Fig.46, optical disk A);

first detecting means for performing a detection of outer peripheral surface of optical disc to be moved into housing (Fig.47, optical sensor 360, 361);

second detecting means for performing a detection of outer peripheral surface of optical disc to be moved into housing after

detection of outer peripheral surface of optical disc is performed by first detecting means (Fig.47, optical sensor 362); and

judging means for judging whether one optical disc or partially overlapped optical discs are passed through loading slot of housing based on results detected by first and second detecting means (specification, page 3, line 23 to page 5, line 14).

As to claims 5-8, the APPLICANT's PRIOR ARTS (FIGURES 45-48) shows a third detection means for performing a detection of optical disc partially passed through loading slot of housing along disc path (Fig.48, sensors 360,361 and 362), conveying means for performing a conveyance of optical disc along imaginary disc path (Fig.47, roller 365), and controlling means for controlling conveying means to have conveying means perform conveyance of optical disc along imaginary disc path in response to results judged by judging means and results detected by third detecting means (specification, page 5, lines 3-14. It is noted that, the driving motor is inherent in the prior art since without a driving motor the optical disc driving device can not perform its operations during loading and unloading).

As to claim 15, the regulating means for allowing optical disc to be moved in and out of housing is inherent in APPLICANT's PRIOR ARTS (FIGURES 45-48).

Art Unit: 2627

8) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10) Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over APPLICANT's PRIOR ARTS (FIGURES 45-48).

The APPLICANT's PRIOR ARTS (FIGURES 45-48) discloses an optical disc driving apparatus for driving an optical disc while

Art Unit: 2627

reading out information as claimed in claims 52, comprising a housing formed with an loading slot having optical disc passed therethrough (Fig.46, optical disk A), a first detecting means for performing a detection of outer peripheral surface of optical disc to be moved into housing (Fig.47, optical sensor 360, 361), a second detecting means for performing a detection of outer peripheral surface of optical disc to be moved into housing after detection of outer peripheral surface of optical disc is performed by first detecting means (Fig.47, optical sensor 362), and a judging means for judging whether one optical disc or partially overlapped optical discs are passed through loading slot of housing based on results detected by first and second detecting means (specification, page 3, line 23 to page 5, line 14), *except to specifically show that the optical disc drive is accommodated by a casing*. However, a casing for covering disc drive is widely used in the optical recording art (the case is normally used for covering and protecting the disc drive, the case could be in any suitable sizes, shapes, colors, etc.,). Therefore, to accommodate the optical disc drive in a case as claimed is deem obvious to someone within the level of skill in the art.

Claim 53 adds to claim 52 the feature of using disc drive in vehicle which do not have any patentable weight to the claimed invention since the optical disc drive could be applicable to any

suitable devices, locations, machines, vehicles, ships, air plane, etc.,.

11) Claims 2-4,6,9-14 and 16-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

13) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The FAX phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

October 4, 2006